



Senate

General Assembly

February Session, 2012

File No. 23

Senate Bill No. 38

Senate, March 13, 2012

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING THE PUBLISHING OF EXECUTIVE ORDERS
PROCLAIMING AN EMERGENCY BY THE SECRETARY OF THE
STATE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 28-9 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) In the event of serious disaster, enemy attack, sabotage or other
4 hostile action or in the event of the imminence thereof, the Governor
5 may proclaim that a state of civil preparedness emergency exists, in
6 which event the Governor may personally take direct operational
7 control of any or all parts of the civil preparedness forces and functions
8 in the state. Any such proclamation shall be effective upon filing with
9 the Secretary of the State. Any such proclamation, or order issued
10 pursuant thereto, issued by the Governor because of a disaster
11 resulting from man-made cause may be disapproved by majority vote
12 of a joint legislative committee consisting of the president pro tempore

13 of the Senate, the speaker of the House of Representatives and the
14 majority and minority leaders of both houses of the General Assembly,
15 provided at least one of the minority leaders votes for such
16 disapproval. Such disapproval shall not be effective unless filed with
17 the Secretary of the State not later than seventy-two hours after the
18 filing of the Governor's proclamation with the Secretary of the State.
19 As soon as possible after such proclamation, if the General Assembly is
20 not then in session, the Governor shall meet with the president pro
21 tempore of the Senate, the speaker of the House of Representatives,
22 and the majority and minority leaders of both houses of the General
23 Assembly and shall confer with them on the advisability of calling a
24 special session of the General Assembly.

25 (b) Upon such proclamation, the following provisions of this section
26 and the provisions of section 28-11 shall immediately become effective
27 and shall continue in effect until the Governor proclaims the end of the
28 civil preparedness emergency:

29 (1) Following the Governor's proclamation of a civil preparedness
30 emergency pursuant to subsection (a) of this section or declaration of a
31 public health emergency pursuant to section 19a-131a, the Governor
32 may modify or suspend in whole or in part, by order as hereinafter
33 provided, any statute, regulation or requirement or part thereof
34 whenever the Governor finds such statute, regulation or requirement,
35 or part thereof, is in conflict with the efficient and expeditious
36 execution of civil preparedness functions or the protection of the
37 public health. The Governor shall specify in such order the reason or
38 reasons therefor and any statute, regulation or requirement or part
39 thereof to be modified or suspended and the period, not exceeding six
40 months unless sooner revoked, during which such order shall be
41 enforced. Any such order shall have the full force and effect of law
42 upon the filing of the full text of such order in the office of the
43 Secretary of the State. The Secretary of the State shall, not later than
44 four days after receipt of the order, cause such order to be [printed and
45 published in full in at least one issue of a newspaper published in each
46 county and having general circulation therein] posted on the

47 secretary's Internet web site and printed in the Connecticut Law
48 Journal, but failure to [publish] post or print such order shall not
49 impair the validity of such order. Any statute, regulation or
50 requirement, or part thereof, inconsistent with such order shall be
51 inoperative for the effective period of such order. Any such order shall
52 be communicated by the Governor at the earliest date to both houses
53 of the General Assembly.

54 (2) The Governor may order into action all or any part of the
55 department or local or joint organizations for civil preparedness
56 mobile support units or any other civil preparedness forces.

57 (3) The Governor shall order and enforce such blackouts and radio
58 silences as are authorized by the United States Army or its duly
59 designated agency and may take any other precautionary measures
60 reasonably necessary in the light of the emergency.

61 (4) The Governor may designate such vehicles and persons as shall
62 be permitted to move and the routes which they shall follow.

63 (5) The Governor shall take appropriate measures for protecting the
64 health and safety of inmates of state institutions and children in
65 schools.

66 (6) The Governor may order the evacuation of all or part of the
67 population of stricken or threatened areas and may take such steps as
68 are necessary for the receipt and care of such evacuees.

69 (7) The Governor may take such other steps as are reasonably
70 necessary in the light of the emergency to protect the health, safety and
71 welfare of the people of the state, to prevent or minimize loss or
72 destruction of property and to minimize the effects of hostile action.

73 (8) In order to insure the automatic and effective operation of civil
74 preparedness in the event of enemy attack, sabotage or other hostile
75 action, or in the event of the imminence thereof, the Governor may, at
76 the Governor's discretion, at any time prior to actual development of
77 such conditions, issue such proclamations and executive orders as the

- 78 Governor deems necessary, such proclamations and orders to become
79 effective only under such conditions.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	28-9
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GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Secretary of the State	GF - Savings	Less than \$4,000 per executive order	Less than \$4,000 per executive order

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill removes the requirement that the Secretary of the State publish, in newspapers around the state, executive orders of the Governor after he has proclaimed a state of civil preparedness or public health emergency. This is expected to result in savings of less than \$4,000 in reduced publishing costs per executive order.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 38*****AN ACT CONCERNING THE PUBLISHING OF EXECUTIVE ORDERS PROCLAIMING AN EMERGENCY BY THE SECRETARY OF THE STATE.*****SUMMARY:**

This bill eliminates the requirement that the secretary of the state print and publish in at least one general circulation newspaper per county executive orders that the governor issues after proclaiming a civil preparedness or public health emergency. Instead, it requires her to post these orders on her office's website and print them in the *Connecticut Law Journal*. The deadline by which she must do this remains the same, that is no later than four days after receiving the governor's order.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (03/02/2012)